

FOGARTY, FELICIONE & DUFFY, P.C.

ATTORNEYS AT LAW

185 WILLIS AVENUE, SUITE 2
MINEOLA, NEW YORK 11501-2674

(516) 747-7500

FAX (516) 747-7543

PATRICK J. FOGARTY
PAUL FELICIONE
GARRETT DUFFY

TAX ID# 11-2588864
E-MAIL: fogartylaw@verizon.net
www.fogartylaw.net

June 6, 2008

VIA FAX @ 718-228-9601
ATTN: Alexander J. Segal
The Law Offices of Grinberg & Segal, P.L.L.C.
111 Broadway - Suite 1306
New York, NY 10006

RE: Ilya Manyk v. Western Union Company Financial Co.

Dear Mr. Segal:

I am writing in response to your June 3, 2008 letter.

Western Union agrees to the revised scheduling order enclosed with my June 3, 2008 letter, except as to the schedule for Western Union's deposition.

Please confirm that Mr. Manyk will be available for his deposition on July 2, 2008. My client intends to attend the deposition and is not available July 3-10. Therefore, if Mr. Manyk does not intend to appear on July 2, as agreed, then I must know immediately so I may confirm a new date with my client.

Your letter requests that Western Union agree to retroactively extend the deadline for Mr. Manyk to serve discovery demands. However, the time line in your letter is incorrect. During the March 5, 2008 case management conference, the Court ordered the parties to serve their initial disclosures and first request for production of documents by March 18, 2008. Subsequently, the parties agreed to extend the deadline for serving initial disclosures to April 4th, 2008. Pursuant to the parties' agreement, Western Union served its initial disclosures on April 4, 2008.

Your letter indicates that you "had no idea what to request until after [Western Union] served upon our office the actual company structure." However, the bulk of Mr. Manyk's discovery demands are not related to Western Union's corporate structure. In addition, the Court did not stagger the deadlines for the service of initial disclosures or document requests. Moreover, when the parties discussed the service of initial disclosures, Mr. Manyk did not seek Western Union's consent to extend the deadline for serving the first request for production of documents. Thus, Mr. Manyk cannot blame Western Union for his failure to comply with the Court's schedule. Nevertheless, Western Union may be willing to entertain a small number of

FOGARTY, FELICIONE & DUFFY, P.C.

VIA FAX @ 718-228-9601

ATTN: Alexander J. Segal

The Law Offices of Grinberg & Segal, P.L.L.C.

Page 2

June 6, 2008

limited requests for production. Please let me know if you want to discuss this.

Finally, Mr. Manyk's Response to Interrogatories and Amended Response to Interrogatories were not verified, as required by Rule 33(b)(5). Please send me the verification for the Amended Response to Interrogatories as soon as possible.

I look forward to hearing from you.

Very truly yours,

FOGARTY, FELICIONE & DUFFY, P.C.

Garrett Duffy

GD:lrh